

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

DeMARCO SOLOMAN §
v. § CIVIL ACTION NO. 5:15cv193
JANET MORELAND, ET AL. §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

The Plaintiff DeMarco Solomon, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Solomon was ordered to pay an initial partial filing fee of \$8.23, in accordance with 28 U.S.C. §1915(b). When he did not comply with this order, the Magistrate Judge issued a Report recommending the lawsuit be dismissed without prejudice for failure to prosecute or to obey an order of the Court.

Solomon filed objections to the Report stating he has “no income whatsoever.” However, his application for leave to proceed *in forma pauperis* states he receives money from his parents and the attached inmate trust account data sheet shows he received deposits to his account in five of the preceding six months, which deposits amounted to \$250.00. He has not shown any valid basis for his failure to pay the statutory initial partial filing fee of \$8.23. Solomon’s objections are without merit.

The Court has conducted a careful *de novo* review of those portions of the Magistrate Judge’s proposed findings and recommendations to which the Plaintiff objected. *See* 28 U.S.C. §636(b)(1)

(district judge shall “make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.”) Upon such *de novo* review, the Court has determined that the Report of the Magistrate Judge is correct and the Plaintiff’s objections are without merit. It is accordingly

ORDERED the Plaintiff’s objections are overruled and the Report of the Magistrate Judge (Docket No. 5) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED the above-styled civil action is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute or to obey an order of the Court. It is further

ORDERED that any and all motions which may be pending in this action are hereby **DENIED**.

So ORDERED and SIGNED this 11th day of August, 2016.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE